

Atty. Dkt. No. 017227-0195

1638

#

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Zhongyi LI, et al.
Title: REGULATION OF GENE EXPRESSION
IN PLANTS
Appl. No.: 09/508,377
Filing Date: 06/09/2000
Examiner: S. Baum
Art Unit: 1638

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

12/15/2004 CCHAU1 00000038 09508377
01 FC:1806 180.00 OP

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

FEE

A fee in connection with submission of a supplemental information disclosure statement under 37 CFR §1.97(c) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

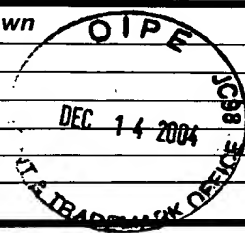
Date 14 December 2004 By S. A. Bent

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

Stephen A. Bent
Attorney for Applicant
Registration No. 29,768

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: December 14, 2004 <i>(use as many sheets as necessary)</i>				Complete if Known	
Application Number		09/508,377			
Filing Date		06/09/2000			
First Named Inventor		Zhongyi LI			
Group Art Unit		1638			
Examiner Name		S. Baum			
Attorney Docket Number		017227-0195			



U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	D1		WO 97/22703 A		KLEIN THEODORE MITCHELL et al.	6/26/1997		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	D2	Supplementary Partial European Search Report	
	D3	Database GENEMBL April 9, 1997 CHIBBAR, R.N.: "T. Aestivum mRNA for starch branching enzyme I", XP002301159 Database Accession No. Y12320 *ABSTRACT	
	D4	Anne REPELLIN et al., "Isolation and characterization of a cDNA for a type I starch branching enzyme from developing wheat kernels", CEREAL FOODS WORLD, vol. 41, no. 7, 1996, pp. 564, XP008037158 & 81 ST ANNUAL MEETING OF THE AMERICAN ASSOCIATION OF CEREAL CHEMISTRY; BALTIMORE, MARYLAND USA; SEPTEMBER 15-19, 1996, ISSN: 0146-6283.	
	D5	KAWASAKI T et al., "MOLECULAR ANALYSIS OF THE GENE ENCODING A RICE STARCH BRANCHING ENZYME", MOLECULAR AND GENERAL GENETICS, SPRINGER, VERLAG, BERLIN, DE 1993, pp 10-16, XP002923868 ISSN: 0026-8925.	
	D6	CHIBBAR RAVI et al., "Molecular cloning and characterization of starch branching enzyme genes from wheat", CEREAL FOODS WORLD, vol. 41, no. 7, 1996, pg. 587, XP008037159 & 81 ST ANNUAL MEETING OF THE AMERICAN ASSOCIATION OF CEREAL CHEMISTRY, BALTIMORE MD, USA; SEPTEMBER 15-19, 1996 ISSN: 0146-6283 *ABSTRACT	
	D7	KEN-ICHIRO TANAKA et al., "STRUCTURE, ORGANIZATION AND CHROMOSOMAL LOCATION OF THE GENE ENCODING A FORM OF RICE SOLUBLE STARCH SYNTHASE", PLANT PHYSIOLOGY, AMERICAN SOCIETY OF PLANT PHYSIOLOGISTS, ROCKVILLE, MD. US, vol. 108, no. 2, June 1, 1995, pp. 677-683 XP000565743; ISSN: 0032-0889.	

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.